In the Supreme Court of the United States

OCTOBER TERM, 1971

No. 71-991

OTTER TAIL POWER COMPANY, APPELLANT

v.

UNITED STATES OF AMERICA

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

MEMORANDUM FOR THE UNITED STATES

The United States believes that the district court correctly held that appellant Otter Tail Power Company had attempted to monopolize and had monopolized the retail distribution of electric power in municipalities located in its service area, in violation of Section 2 of the Sherman Act, and that the relief it adopted to cure these violations is appropriate. The issues, however, are novel ones that this Court has not decided, and they are obviously important in the administration of the Sherman Act and in its relation to the Federal Power Act. In these circumstances,

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the United States does not oppose the noting of probable jurisdiction in this case.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

MAY 1972.

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